

FILED

UNITED STATES DIST COURT
DISTRICT OF NEVADA

99 NOV -8 PM 2:07

LANCE S. HILSON
CLERKJIMMIE DAVIS,
DEPUTY

petitioner,

VS

JOHN IGNACIO et al,

Respondents.

CIVIL-N-99-137-ECR(VPC)
Formerly CV-N-99-137-ECR(PMA)APPLICATION FOR
CERTIFICATE OF APPEALABILITY

COMES NOW, Petitioner JIMMIE DAVIS, in pro per, and respectfully moves this Honorable Court For the issuance of A certificate of appealability in the above-entitled CASE. THIS Application is made pursuant to the provisions of Rule 22 (B), FRAP and 28 U.S.C. 2253 (c).

Petitioner received an order of the court on the third day of November, DATED NOVEMBER 1, 1999 re-assigning petitioner's petition to another Judge. Rule 22 (B) 1 STATES in part that IF an applicant files a notice of appeal, the district judge who rendered the judgment must either issue a certificate of appealability or state why a certificate should not issue.

Petitioner now submits this application for certificate of appealability asking the court to issue the certificate. Petitioner hopes and prays that he has not been barred procedurally since the judge has been changed while waiting on his

1 decision since he will no longer have the original judge
2 to issue said decision.

3 Respectfully submitted herewith all other
4 papers, pleadings and documents on file herein.

5
6 DATED this 4 DAY of November, 4 1999.

7
8 Respectfully Submitted

9 Jimmie Davis
10 JIMMIE DAVIS 27362
11 P.O. BOX 607
12 CARSON CITY NEVADA
13 89702

14
15 PETITIONER-IN PRO PER

16
17 CERTIFICATE OF SERVICE

18 THE undersigned hereby certify that A TRUE AND
19 correct copy of THE FOREGOING APPLICATION FOR CER-
20 TIFICATE OF APPEALABILITY was deposited in the legal
21 mail system at the NEVADA STATE PRISON on this 4
22 day of November 1999 For mailing to:

23 1030
24 OFFICE of the attorney general
25 555 E. WASHINGTON AVE, SUITE 3900
26 LAS VEGAS NEVADA 89101

27 ATTORNEY FOR RESPONDENTS
28 CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
400 SOUTH VIRGINIA ST, ROOM 301
RENO, NEVADA 89501